

REMARKS

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

This Amendment and Response (the “Amendment”) is submitted in reply to the non-final Office Action dated November 24, 2008 (the “Office Action”). Claims 14-27 are pending in the application and claims 1-13 have been canceled in a Preliminary Amendment previously submitted on June 8, 2006 (the “Preliminary Amendment”), without prejudice to their subsequent prosecution in any continuing application or disclaimer of the proprietary rights set forth therein. Claims 14, 20 and 27 are in independent form.

By this Amendment, new claims 28-32 have been added. Support for the new claims can be found in the originally-filed specification at, for example, paragraphs [0031] to [0033]. It is believed that no new matter has been added.

Following entry of this Amendment, claims 14-32 remain pending in the application.

II. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN

In the office Action, claims 15-19 are rejected under 35 U.S.C. § 112, second paragraph (“Section 112”) as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. On page 2 of the Office Action, the Examiner asserts that the “scope of claims 15-19 is vague because it is not clear exactly what method step of manufacturing a wet shaving system is being claimed therein. Claims 15-19 do not have a positive method step recitation for manufacturing a wet shaving system.” The rejection is traversed for at least the following reasons.

Applicants respectfully submit that claims 15-19 are proper dependent claims and do recite positive method steps for manufacturing a wet shaving system. As stated in M.P.E.P. § 608.01(n)(III) (“Section 608.01(n)(III), “[t]he test for a proper dependent claim under the fourth paragraph of 35 U.S.C. 112 is whether the dependent claim includes every limitation of the claim from which it depends.” Section 608.01(n)(III) also states that a dependent claim “shall not conceivably be infringed by anything which would not also infringe the basic claim.”

Applicants submit that claims 15-19 satisfy this test. For example, claim 15 depends from claim 14 and therefore includes all of the method steps of claim 14. Further, a process for manufacturing a wet shaving system that includes a metal or wood guard bar and that was manufactured following the method steps of claim 14, would infringe both claim 14 and

claim 15. Accordingly, Applicants submit that claims 15-19 are not indefinite and respectfully request that the Section 112 rejection be withdrawn.

III. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b) SHOULD BE WITHDRAWN

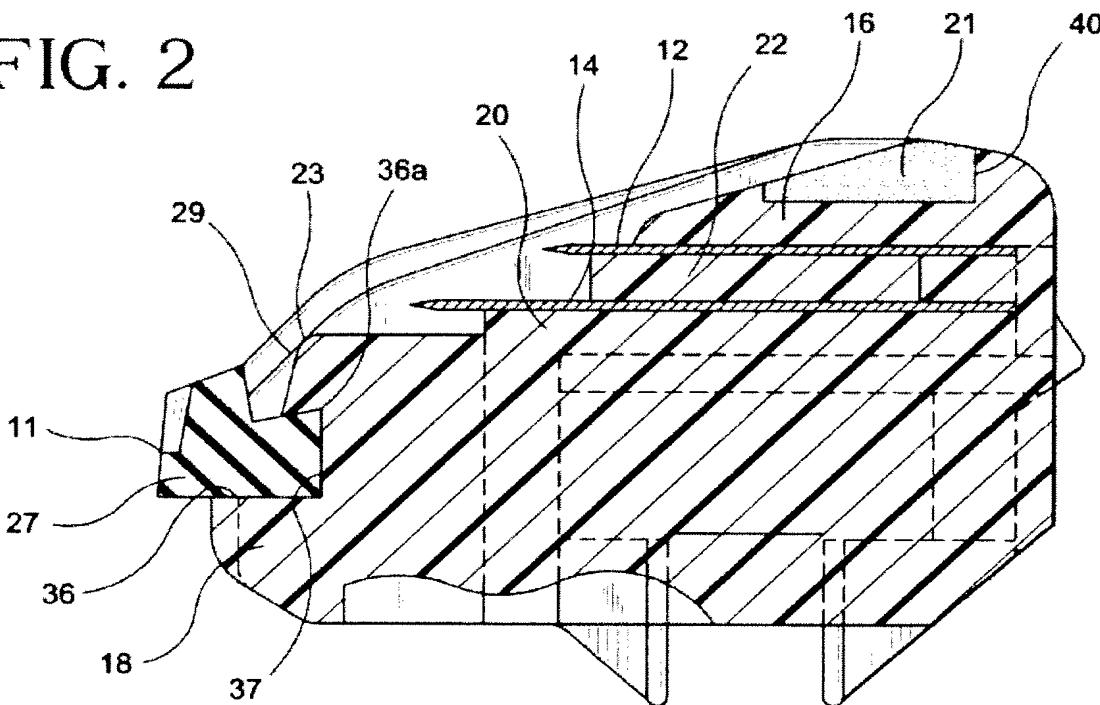
In the Office Action, claim 20 is rejected under 35 U.S.C. § 102(b) (“Section 102(b)”) as allegedly being anticipated by U.S. Patent No. 6,167,625 to King *et al.* (hereinafter “King”). The rejection is traversed for at least the following reasons.

Claim 20 is directed to a wet shaving system comprising “at least one blade, a platform and a guard bar having two ends and positioned forward of the at least one blade and parallel to the blade cutting edge, *said platform having parts molded over said ends of said guard bar.*” Applicants respectfully submit that King fails to teach or suggest a wet shaving system with a platform having molded parts over the ends of a guard bar.

In the Office Action, the Examiner asserts that King discloses a wet shaving system having a platform and identifies elements 16, 18, 20 and 22 in Figure 2 from King, which is reproduced below, as the platform. *Office Action*, page 3. Additionally, the Examiner asserts that King also discloses a guard bar and identifies element 11 in Figure 2 as the guard bar.

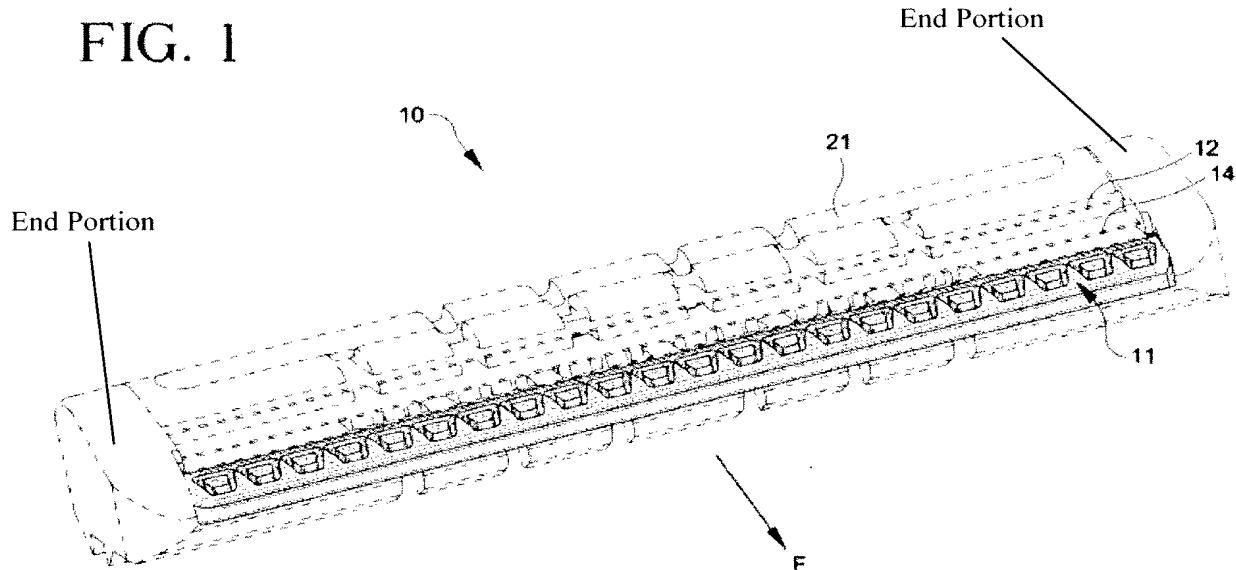
Id.

FIG. 2



Further, in referring to Figure 1 of King, which has been annotated and is reproduced below, the Examiner contends that “said platform (16, 18, 20, 22) [has] parts molded over said ends (3) of said guard bar (11) as claimed.” *Id.* Lastly, in the “Remarks” section on page 6 of the Office Action, the Examiner asserts “King et al. clearly shows, in Fig. 1, the platform having parts molded over the ends of the guard bar (11) as claimed.” Applicants respectfully disagree with all of the Examiner’s assertions.

FIG. 1



First, Figure 1 of King fails to identify any elements in the figure as being part of the platform (elements 16, 18, 20, 22 as identified by the Examiner). Second, there is no disclosure or suggestion in King about what the end portions, as identified in annotated Figure 1, are made from, how the end portions attach to the razor cartridge 10, or how the end portions are formed.

Third, as disclosed in the present application,

during the process of molding the plastic platform, and while the mould is still open, a guard bar having two ends is inserted inside one of the mould parts at the appropriate location, the two ends of the bar being uncovered and exposed to plastic. Then the mould closes, and plastic is injected in it. The ends of the guard bar are then covered with the plastic forming the platform or part of the platform and thus fixedly attached to the platform of the shaving system.

As-Filed Application, ¶ [0024] (emphasis added). Accordingly, in the present shaving system, molding of the platform and molding of at least part of the platform over the ends of the guard bar are performed at the same time in a single process. Further, the portions of the

platform that are molded over the ends of the guard bar attach the guard bar to the platform by physically securing the guard bar to the platform.

In contrast to the present shaving system, King discloses that

the skin-contacting element 11 is formed of an elastomeric material which will *chemically bond* with the surfaces forming the recess 29 in the guard 18. In the guard 18 shown in FIG. 2, the recess 29 is partially inset into the guard 18 so as to have three surfaces (opposed horizontal top ledge 36a, bottom ledge 36, and vertical back wall 37) to *secure* the base 27 of the skin-contacting element 11.

King, col. 4, lines 40-47 (emphasis added). Accordingly, because the skin contacting-element 11 in King chemically bonds with the surfaces forming the recess 29 in the guard 18, there would be no need for King to mold portions of its platform over the ends of the skin-contacting element 11.

Fourth, King discloses,

[i]n accordance with generally known insert molding processes, the blades 12, 14 are positioned in a cartridge forming mold, and plastic, preferably polypropylene, is injected to form seat 20, cap 16, spacers 22, and guard 18 and, in doing so, secure the blades as shown. The guard 18 is molded so as to form the recess 29 extending across the front surface of guard 18, including a horizontal ledge 36, a vertically extending rear wall 37, and a top ledge 36a, such that the recess 29 is partially inset into the guard 18 as shown in FIG. 2. Insert molding to form razor cartridges per se is generally known and therefore need not be described in detail here. For an example of a suitable insert molding process, see U.S. Pat. No. 5,141,694. *After the cartridge unit has been thus molded*, the skin-contacting element 11 is insert molded so as to fill the recess 29.

Id. at col. 4, lines 5-19 (emphasis added). Therefore, the platform (16, 18, 20 and 22) in King is molded first and *then, after* the platform is molded, “the skin-contacting element 11 is insert molded so as to fill the recess 29.” Thus, because the platform in King is molded first and then the skin-contacting element is attached to the previously-molded platform by insert molding, it is impossible (1) for the skin-contacting element to have portions of the platform molded over its ends, and (2) to manufacture the razor cartridge where the molded platform and the portions of the platform that are molded over the ends of the skin-contacting element are formed at the same time in a single process as is the case with the present invention.

Thus, King does not teach or suggest a “platform having parts molded over said ends of said guard bar” as claimed in claim 1.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *M.P.E.P. § 2131* (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed Cir. 1987)). Accordingly, because, as discussed above, the sections of King relied upon by the Examiner at least do not provide for a “platform having parts molded over said ends of said guard bar,” the Section 102(b) rejections must fail as a matter of law. Therefore, Applicants respectfully submit that claim 20 is not anticipated by King and request that the Section 102(b) rejection be withdrawn.

IV. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a) SHOULD BE WITHDRAWN

In the Office Action, claims 21-23 and 25 are rejected under 35 U.S.C § 103(a) (“Section 103(a)”) as allegedly being unpatentable over King in view of U.S. Patent No. 4,998,347 to Schächter (hereinafter “Schächter”); claim 24 is rejected under Section 103(a) as allegedly being unpatentable over King; and claims 14-19, 26 and 27 are rejected under Section 103(a) as allegedly being unpatentable over King in view of U.S. Patent Application Publication No. 2003/0208907 to Brown, Jr. *et al.* (hereinafter “Brown”) The rejections are traversed for at least the following reasons.

A. Claims 21-23 and 25 are Patentable Over King in View of Schächter

Claims 21-23 and 25 depend from independent claim 20, which was shown in Section III above to be patentable over King. In particular, King fails to disclose or suggest a wet shaving system comprising, *inter alia*, a platform and a guard bar where “said platform [has] parts molded over said ends of said guard bar,” as recited in independent claim 20. Further, Applicants respectfully submit that Schächter fails to cure the deficiencies of King.

For at least the foregoing reasons, it is believed that claims 21-23 and 25 are patentable over King and Schächter, either taken alone or in combination, and are therefore allowable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

B. Claims 24 is Patentable Over King

Claims 24 depends from independent claim 20, which was shown in Section III above to be patentable over King. In particular, King fails to disclose or suggest a wet shaving system comprising, *inter alia*, a platform and a guard bar where “said platform [has] parts molded over said ends of said guard bar,” as recited in independent claim 20.

For at least the foregoing reasons, it is believed that claim 24 is patentable over King and is therefore allowable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

C. Claims 14-19, 26 and 27 are Patentable Over King in View of Brown

Claim 14 is directed to a process for the manufacture of a wet shaving system comprising the steps of “providing a guard bar having two ends; positioning said guard bar in a mold cavity for said platform; and *molding at least part of the platform by injecting plastic in the mold cavity, wherein said at least part of the platform is molded over said ends of said guard bar.*”

On page 5 of the Office Action, the Examiner asserts that

[t]he difference between the process of King et al. and the claimed invention resides in the sequence of the method steps. Specifically, in King et al., the platform is formed first with a recess (2) in which the guard bar (11) is then insert molded to fill the recess (see column 4, lines 17-19). The claimed method has the sequence reversed (forming the guard bar first and then molding the platform over the ends of the guard bar).

Further, the Examiner asserts that Brown “teaches performing a part of a shaving system (in this case, a blade) first and then insert molding a platform of the shaving system over ends of such part. *Id.* The Examiner then asserts,

“[t]herefore, to reverse the sequence of the method steps of king et al. so that the guard bar is formed first before the platform is molded over ends of the guard bar would have been obvious to one skilled in the art because a person of skill in the art has good reason to pursue known options within his or her technical grasp.

Id.

Initially, as discussed above in Section III, Applicants submit that King fails to disclose or suggest a razor cartridge wherein at least part of the platform is molded over the ends of the guard bar. Additionally, as also discussed above, as disclosed in the present application,

during the process of molding the plastic platform, and while the mould is still open, a guard bar having two ends is inserted inside one of the mould parts at the appropriate location, the two ends of the bar being uncovered and exposed to plastic. Then the mould closes, and plastic is injected in it. The ends of the guard bar are then covered with the plastic forming the

platform or part of the platform and thus fixedly attached to the platform of the shaving system.

As-Filed Application, ¶ [0024] (emphasis added). Accordingly, in the present shaving system, molding of the platform and molding of at least part of the platform over the ends of the guard bar are performed at the same time in a single process.

As acknowledge by the Examiner, this is not the case in King where, as the Examiner correctly states, “in King et al., the platform is formed first with a recess (2) in which the guard bar (11) is then insert molded to fill the recess (see column 4, lines 17-19). *See Office Action* at page 5. Therefore, not only does King fail to disclose or suggest a platform having parts molded over the ends of its skin-contacting element, the process described in King also does not produce a platform where parts of the platform are molded over the ends of its skin-contacting element at the same time and in the same process as when the platform is formed.

Moreover, Applicants submit that the teachings of King are complete for their intended purpose and, thus, a person skilled in the art would have no motivation to use a secondary reference, e.g., Brown, to modify the teachings of King. The Court of Customs and Patent Appeals addressed a similar situation in *In re Herschler*, 591 F.2d 693 (C.C.P.A. 1979), when it held that the Board of Patent Appeals and Interferences (the “Board”) had wrongly rejected the appealed claims as obvious. In *In re Herschler*, the applicant taught the use of dimethyl sulfoxide (DMSO) to enhance transdermal penetration of a number of compounds, and claimed the process of applying to the skin a mixture comprising DMSO and a physiologically active steroid. 591 F.2d at 695. The Board rejected the claims as obvious over a primary reference (the Lubowe patent), which disclosed a hair lotion containing an estrogenic hormone and a solubilizing agent other than DMSO, combined with a secondary reference (the Faust patent), which taught that DMSO is a safe and effective solubilizing agent for cosmetic or dermatologic use. The CCPA, however, reversed the Board’s rejection on the grounds that the disclosure of the primary reference was already complete for its intended purpose and, therefore, one of ordinary skill in the art would not have been motivated to use the DMSO of the secondary reference.

Similar to the Lubowe patent, the razor cartridges of King are complete for their intended purpose, namely, to provide “a shaving implement having a guard with a surface formed of flexible skin-engaging members to pre-stretch the skin prior to being shaved by the razor blade, which provides a very stable structure that can be mass produced in an economical and high quality manufacturing process, and which minimizes parts handling,

feeding, and subassembly requirements normally required for a cartridge.” *King*, col. 1, lines 53-60. The King shaving implement includes a shaving head having “a skin-contacting element which is preferably formed of an elastomeric material which is insert molded into one or more recesses in the guard to extend across the shaving head.” *Id.* at col. 2, lines 5-11. Kings’ solution for such a shaving implement is to provide a razor cartridge where, “[a]fter the cartridge unit has been thus molded, the skin-contacting element 11 is insert molded so as to fill the recess 29.” *Id.* at col. 4, lines 17-19. In order to secure the skin-contacting element 11 within the recess 29,

skin-contacting element 11 is formed of an elastomeric material which will chemically bond with the surfaces forming the recess 29 in the guard 18. In the guard 18 shown in FIG. 2, the recess 29 is partially inset into the guard 18 so as to have three surfaces (opposed horizontal top ledge 36a, bottom ledge 36, and vertical back wall 37) to secure the base 27 of the skin-contacting element 11.

Id. at col. 4, lines 40-47. Because the solution is complete for its intended purpose, King provides no motivation to look to the art for alternative means to provide a shaving implement having a skin-contacting element that is chemically bonded to a guard, and, in particular, no motivation to look to the shaving systems of Brown, which are directed to attaching blades to a razor cartridge, to provide a shaving implement having a skin-contacting element that is chemically bonded to a guard or platform. Therefore, even assuming that King teaches the recited process, which Applicants assert it does not, one of ordinary skill in the art would not be motivated to turn to Brown at least because, as stated above, the teachings of King are complete for their intended purpose.

Accordingly, Applicants respectfully submit that claim 14 is not obvious in view of King and Brown and respectfully request that the Section 103 rejections be withdrawn.

For at least the foregoing reasons, it is believed that independent claim 14 is patentable over King and Brown, either taken alone or in combination, and is therefore allowable. Independent claim 27 is similar or somewhat similar in scope to claim 14 and is therefore allowable for similar or somewhat similar reasons to those discussed for claim 14. Further, claims 15-19 and 26, which depend from claim 14, are believed to be allowable as well.

CONCLUSION

In view of the above remarks, Applicants respectfully request that the Examiner reconsider pending claims 14-32 with a view towards allowance.

The Examiner is invited to call the undersigned attorney at (212) 326-3939 if a telephone call could help resolve any remaining issues.

Should any fees be required, please charge such fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: February 24, 2009



Anthony D. Mustillo (Reg. No. 58,836)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939